REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of May 22, 2008 (Office Action). Claims 1-22 and 32 are pending and claims 23-31 have been cancelled. No new matter has been added. It should be noted that the terms Applicant, Applicants, Applicant's, and Applicants' as used herein shall relate to all inventors associated with the present Office Action.

Applicant, by and through his counsel of record, appreciates the opportunity afforded by the Examiner in conducting the telephone interview of August 28, 2008. During the interview, the Examiner acknowledged that Aiken teaches ownership of subsequent requests based on the source of the request and not based on the type of information being requested.

In paragraph 5 at page 2 of the Office Action, claims 1-11 and 22 were rejected under 35 U.S.C. 101 where the Office Action asserts that the claimed invention is directed to non-statutory subject matter. Applicant respectfully disagrees but in the interest of advancing the prosecution, the claims have been amended which should obviate this rejection.

In paragraph 10 at page 4 of the Office Action, claims 1, 3-5, 8-10, 12, 14, 15, 17, 19, and 20 were rejected under 35 U.S.C. 103 as being unpatentable over US 2003/10009571 to Bavadekar in view US 2002/0143965 to Aiken, Jr., further in view of US 5,768,528 to Stumm and further in view of US 5,967,842 to Noble. Claims 1, 3-5, and 8-10 include the feature of the stateless module manager processor enabling one of the information module processors to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. Claims 12, 14, and 15 include the step of enabling one of the information modules to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. Claims 17, 19, and 20 include computer executable instructions for enabling one of the

information modules to claim the requests and to own subsequent requests based on the type of electronic information being common to each of the requests and the subsequent requests. The Office Action concedes that Bavadekar does not disclose this feature, but asserts that Aiken at paragraphs 43 and 53 discloses this feature. Applicant respectfully points out that Aiken is directed towards maintaining the same server handling all requests from the same client and does not disclose or suggest the above-referenced features. Aiken describes its load balancing system as follows:

> [0043] In a second preferred embodiment, the present invention enables instances of a particular server application to specify that <u>connection requests originating from a particular client (and optionally, from specific ports on that client) are to be automatically routed to the same instance of this server application if that instance is currently handling other such requests from the same client.</u> As with the first preferred embodiment, the first of the related connection requests is preferably subjected to normal workload balancing.
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> [0053] In the first preferred embodiment, the server application explicitly informs the workload balancing function when a relationship with a particular client starts (as will be described in more detail below, with reference to FIG. 4). Preferably, the client is identified on this "start affinity" message by its IP address. One or more port numbers may also be identified, if desired. <u>When port numbers are specified, the workload balancing function is bypassed only for connection requests originating from those particular ports; if port numbers are omitted, then the workload balancing function is preferably bypassed for connection requests originating from all ports at the specified client source IP address.</u> In this preferred embodiment, the start affinity notification (as well as an optional end affinity message) is preferably sent from the application to its hosting stack, which forwards the message to the workload balancing function. (Hereinafter, a communication protocol stack on which one or more server applications execute is referred to as a "target stack", a "hosting stack", or a "target/hosting stack". A particular stack may be considered a "target" from the point of view of the workload balancer, and a "host" from the point of view of a server application executing on that stack, or both a target and a host when both the workload balancer and a server application are being discussed.) (Aiken paragraphs 43 and 53)(emphasis added).

As shown above, Aiken describes a system for work load balancing in which the client-server relationship is maintained, such as through monitoring of port numbers and automatically assigning requests based on the source. Aiken does not disclose or suggest the features of claims 1, 3-5, 8-10, 12, 14, 15, 17, 19, and 20 including the ownership of subsequent requests that is based on the type of information being common to each of the requests and the subsequent requests. The remaining references of Stumm and Noble do not make up for this deficiency in the cited art.

In paragraph 19 at page 7 of the Office Action, claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bavadekar in view of Aiken, Jr., further in view of Stumm, further in view of Noble and further in view of Official Notice. Claim 2 depends from claim 1 and includes the feature of the stateless module manager processor enabling one of the information module processors to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. As described above, Bavadekar, Aiken, Stumm and Noble all fail to disclose this claimed feature. The Official notice taken by the Office Action does not make up for this deficiency in the cited art.

In paragraph 21 at page 8 of the Office Action, claims 6, 16, 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bavadekar in view of Aiken, Jr., further in view of Stumm, further in view of Noble and further in view of US 6,757,900 to Burd et al. Claims 6 and 16 depend from claim 1 and include the feature of the stateless module manager processor enabling one of the information module processors to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. Claim 21 depends from claim 17 and includes the feature of computer executable instructions for enabling one of the information modules to claim the requests and to own subsequent requests based on the type of electronic information being common to each of the requests and the subsequent requests. As described above, Bavadekar, Aiken, Stumm and Noble all fail to disclose this claimed feature. The remaining reference of Burd does not make up for this deficiency in the cited art.

Claim 22 includes the feature of the stateless module manager processor determining one of the plural information module processors to handle the requests by enabling the one information module processor to claim the requests and to own subsequent requests independent of a source of the requests and the subsequent requests. The Office Action concedes that Bavadekar does not describe any service collision features. Aiken describes a system for work load balancing in which the assignment of a request to a server is based particular on the client source, such as through monitoring of port numbers. (Aiken paragraphs 43 and 53). Aiken does not disclose or suggest this feature of claim 22. The remaining references of Stumm, Noble and Burd do not make up for this deficiency in the cited art. Newly added claim 32 depends from claim 22 and thus is patentable over the cited combination of art.

In paragraph 24 at page 9, claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bavadekar in view of Aiken, Jr., further in view of Stumm, further in view of Noble and further in view of US 2002/10087657 to Hunt. Claim 7 depends from claim 1 and includes the feature of the stateless module manager processor enabling one of the information module processors to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. As described above, Bavadekar, Aiken, Stumm and Noble all fail to disclose this claimed feature. The remaining reference of Hunt does not make up for this deficiency in the cited art.

In paragraph 26 at page 10, claim 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bavadekar in view of Aiken, Jr., further in view of Stumm, further in view of Noble and further in view of US 6,741,980 to Langseth et al. Claim 11 depends from claim 1 and includes the feature of the stateless module manager processor enabling one of the information module processors to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. As described above, Bavadekar, Aiken,

Stumm and Noble all fail to disclose this claimed feature. The remaining reference of Langseth does not make up for this deficiency in the cited art.

In paragraph 28 at page 11, claims 13 and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bavadekar in view of Aiken, Jr., further in view of Stumm, further in view of Noble and further in view of US 6,374,300 to Masters et al. Claim 13 depends from claim 12 and includes the step of enabling one of the information modules to claim the requests and to own subsequent requests based on the type of information being common to each of the requests and the subsequent requests. Claim 18 depends from claim 17 and includes computer executable instructions for enabling one of the information modules to claim the requests and to own subsequent requests based on the type of electronic information being common to each of the requests and the subsequent requests. As described above, Bavadekar, Aiken, Stumm and Noble all fail to disclose these claimed features. The remaining reference of Masters does not make up for this deficiency in the cited art.

CONCLUSION

Applicant believes that this application is in full condition for allowance. Allowance is therefore respectfully requested. Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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